

REMARKS

Claims 1-59 are pending in the application. The position set forth in the Office Action has been carefully considered. Reconsideration is respectfully requested.

I. REJECTIONS OF CLAIMS 1-59 UNDER 35 U.S.C. § 102(e)

Claims 1-59 stand rejected under 35 U.S.C. § 102(e) based on newly cited U.S. Patent No. 6,230,326 ("Unger"). All pending claims are believed to be allowable for at least the following reasons. Withdrawal of the rejection is respectfully requested.

Independent claims 1, 18, 25, 34, 39, 51, and 58 require that synchronization between a protecting CMTS and a working CMTS is performed in response to one or both of two triggering events. Specifically, claim 1 recites "receiving information about the status of the group of cable modems from the working CMTS to thereby synchronize the protecting CMTS to the working CMTS *in response to a change in configuration data pertaining to the group of cable modems associated with the working headend device, or discovery of a new protecting headend device.*" All other rejected independent claims, i.e., claims 18, 25, 34, 39, 51, and 58, contain recitations similar to those of claim 1 regarding the above-identified triggering events.

As explained fully in the prior responses (e.g., responses dated July 25, 2003, and December 18, 2003), one goal of the present invention is in providing redundancy for headend components of digital cable networks. Specifically, when a working CMTS becomes unavailable to service its group of cable modems, a protecting CMTS takes over service to those cable modems. The switchover takes place preferably transparently to the cable modems by keeping the working and protecting CMTSs in synchronization regarding service parameters for the cable modems.

Specifically, independent claims 1, 18, 25, 34, 39, 51, and 58 require that this synchronization occur in response to the above-identified "triggering events," i.e., "in response to a change in configuration data pertaining to the group of cable modems associated with the working CMTS, or discovery of a new protecting CMTS." According to specific embodiments of the invention, synchronization may be triggered when (a) local configuration changes are detected or (b) a standby CMTS (in learn state) is just discovered. See, for example, page 17, lines 4-17 of the present specification.

By contrast, the Unger patent fails to teach or suggest the above-identified features of the invention, i.e., synchronizing the protecting headend device to the working headend device "in response to a change in configuration data pertaining to the group of cable modems associated with the working CMTS, or discovery of a new protecting CMTS."

The Unger patent is generally directed to a system for initialization and operation of cable modems. The Office Action cites various portions of Unger. Applicants respectfully submit that these portions do not teach or suggest the claimed features.

One of the cited portions of the Unger patent (e.g., column 3, lines 2-35) suggests use of multiple CMTSs 102 and 103 as shown in Fig. 1. However, this portion of Unger does not teach or suggest synchronizing a protecting CMTS to a working CMTS as claimed. Rather, it merely shows a possible configuration containing a plurality of CMTSs. It is respectfully submitted that nothing in Unger suggests, implicitly or explicitly, the claimed synchronization between a protecting CMTS and a working CMTS because the Unger patent makes no mention of a protecting CMTS and a working CMTS in this portion.

The Office Action also cites column 4, lines 5-35 of the Unger patent. However, this portion of Unger describes multiple receivers, not multiple CMTSs. The receivers (e.g., 302A-C in Fig. 3) referred to in the cited portion are provided in a single CMTS (102). Such receivers included in a single CMTS should not be interpreted as the claimed pair of a protecting CMTS and a working CMTS.

Furthermore, the Examiner cites column 1, lines 30-50; and column 3, lines 2-35 of the Unger patent as describing the claimed triggering events. First, column 1, lines 30-50 of Unger generally describes a ranging request for the initialization process. However, nothing in the cited portion suggests use of a protecting CMTS and a working CMTS, much less the specific triggering events as discussed above which cause the claimed synchronization between the protecting CMTS and the working CMTS.

Secondly, column 3, lines 2-35 of Unger generally describes an extra receiver acting as a backup "in the event of a failure of one of the other receivers" (column 4, lines 7-8). However, this portion also fails to teach or suggest use of a protecting CMTS and a working CMTS. Nor does it suggest in any way the claimed triggering events. It is respectfully submitted that a mere reference to "a failure of the other receivers" in general is not sufficient to reasonably teach the claimed triggering events.

Therefore, Unger fails to teach or suggest each and every claimed element recited in the independent claims. For at least the reasons set forth above, the invention defined in independent claims 1, 18, 25, 34, 39, 51, and 58 and their dependent claims is believed to be patentable over the cited art. Withdrawal of the rejections is respectfully requested.

II. CONCLUSION

Applicants believe that all pending claims are in condition for allowance, and respectfully request a Notice of Allowance at an early date. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 510-843-6200, ext. 245.

Respectfully submitted,
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Limited Recognition under 37 CFR § 10.9(b)

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Expires: August 28, 2004



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Director of Enrollment and Discipline